

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
9/10/2021 4:42 PM
CLERK OF THE COURT
Patricia Serna

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

CORNELIUS MACKEY,

Plaintiff,

v.

No. D-202-CV-2021-05333

DILLARD'S, INC., JON NOTZ, Individually
and as Agent of Dillard's Inc., and JULIE DOE,
Individually and as Agent of Dillard's Inc.,

Defendants.

COMPLAINT FOR DAMAGES, NOTICE OF APPEAL AND JURY DEMAND

Cornelius Mackey, by and through his attorneys Valdez and White Law Firm, LLC
(Timothy L. White), for his claims against Defendants states:

1. This is an action for damages arising from Mr. Mackey's termination by
Defendants due to his race, in violation of 42 U.S.C. § 1981.

PARTIES, JURISDICTION AND VENUE

2. Plaintiff, upon information and belief is a resident of Sandoval County, New
Mexico.
3. Plaintiff's is a black man.
4. Defendant Dillard's, Inc., is a foreign corporation with a registered agent for
service of process located at 206 S. Coronado Ave, Espanola, NM 87532-
2792.
5. Defendant Jon Notz, upon information and belief, is a resident of Bernalillo
County, New Mexico.

EXHIBIT

A

6. Defendant Jon Notz's race is white, upon information and belief.
7. Defendant Julie Doe's residence is unknown but upon information and belief is in New Mexico.
8. Defendant Julie Doe's race is white, upon information and belief.
9. Jurisdiction and venue are proper in this court as all acts complained of occurred in New Mexico.

FACTS COMMON TO ALL COUNTS

10. Plaintiff was hired by Defendants in 2015 as a dock worker and shipper/receiver at the Dillard's department store located at Cottonwood Mall in Northwest Albuquerque, New Mexico.
11. Plaintiff worked hard and did his job as instructed with no disciplinary issues whatsoever.
12. Plaintiff was first informed of an open full-time position of dock manager in 2017 by "Cathy", who suggested Plaintiff ask Defendant Notz about applying for the position.
13. "Cathy" reminded Plaintiff that Defendant Notz had an "open door policy".
14. Plaintiff knocked on Defendant Notz's door and requested he be allowed to apply for the dock manager position.
15. Defendant Notz ignored Plaintiff as though he was not there.
16. Within a few days, Plaintiff again asked Defendant Notz if he could apply for the dock manager position but was denied by Defendant Notz who

said, “Until we repeal Obamacare I’m not going to hire anyone full time.”

17. Plaintiff did not understand what Obamacare had to do with applying for a position, but he inferred from these statements that Defendant Notz appeared to be biased against then President Barack Obama, the first and only black president in American history.

18. Plaintiff continued to work hard and do his job at Dillard’s after being refused the opportunity to apply for the open dock manager position.

19. Plaintiff would occasionally seek advice from Defendant Notz, as Plaintiff’s father died when Plaintiff was in his late twenties and he missed those types of interactions with his father.

20. On several occasions when Plaintiff would seek such advice, Defendant Notz responded coldly and with derogatory comments about young black men, such as “they all wear baggy pants” or “ they don’t read books”.

21. Plaintiff stopped initiating these types of interactions with Defendant Notz because he responded with stereotypes about young black men which Plaintiff found to be hurtful and offensive.

22. On or around October 11, 2019, Plaintiff’s direct supervisor, Mike McDonald, who is also a black man, asked Plaintiff to take care of the trash.

23. Plaintiff did as he was instructed and went to retrieve one or two gray trash bins to begin the task.

24. Plaintiff already had a flatbed cart with some boxes on it that he planned to take to the trash receptacle along with the trash he would now collect.

25. At that time, Plaintiff saw another employee, Alex Perez, whom Plaintiff understood to be white or Hispanic.

26. Mr. Perez had the floor cleaning machine and was standing in front of the service elevator with it.

27. Plaintiff asked Mr. Perez to send up the elevator and noticed the smell of alcohol on Mr. Perez's breath.

28. Mr. Perez responded to Plaintiff with, "I need you to move. I'm sick of this."

29. Plaintiff was not in Mr. Perez's way at all but he once again said to Plaintiff, "I need you to move, I'm tired of this," and tried to forcibly move the flatbed cart of boxes in Plaintiff's possession. The boxes began to fall off the cart and Mr. Perez began kicking the boxes.

30. Plaintiff told Mr. Perez to stop kicking the boxes but Mr. Perez refused.

31. Plaintiff said to Mr. Perez that, "This can go two ways. Either me and you start tussling or I'm going to go tell Mike."

32. Plaintiff turned to go tell their supervisor, Mike McDonald, what was happening but Mr. McDonald was already on his way to the scene, shouting at Mr. Perez to, "Leave! Get out of my store!"

33. Mr. Perez refused to leave so Mr. McDonald again told Mr. Perez to leave and said he would call the police if he did not leave. Mr. Perez responded by saying, "Go ahead. I'm not going anywhere."

34. Plaintiff turned at that moment and saw Mr. Perez and Mr. McDonald wrestling and saw Mr. McDonald strike Mr. Perez, twice. The second time Mr. McDonald struck Mr. Perez, Plaintiff offered his hand to Mr. Perez to

help him to get up off the floor and to break up the fight by moving Mr. Perez away from Mr. McDonald and into the service elevator with Plaintiff.

35. As soon as Plaintiff and Mr. Perez stepped into the service elevator, Plaintiff saw Mr. Perez pull out a box cutter.

36. Plaintiff became justifiably concerned for his safety and tried to de-escalate the situation saying that he was not the person who had hit Mr. Perez.

Plaintiff also tried to press the elevator button, but Mr. Perez once again wielded the box cutter toward Plaintiff.

37. Plaintiff grabbed Mr. Perez's wrist and successfully wrestled the box cutter from Mr. Perez to stop him from stabbing Plaintiff or anyone else.

38. Another manager told Defendant Notz about the incident.

39. Plaintiff requested to see the video from the elevator that showed the incident but Defendant Notz refused to show it to Plaintiff and instead told Plaintiff he did not see Mr. Perez holding a box cutter.

40. Defendant Notz also told Plaintiff that, "The police have the video and you could get some serious charges", while Defendant Doe shook her head up and down and "umm humm'ed" under her breath.

41. Defendant Notz then fired Plaintiff and Mr. McDonald but not Mr. Perez.

42. Plaintiff was fired because of his race.

COUNT I - DISCRIMINATION ON THE BASIS OF RACE IN VIOLATION OF

42 USC§ 1981

43. Plaintiff incorporates by reference the factual allegations of each of the

preceding paragraphs.

44. Plaintiff is Black.

45. Plaintiff was fired because of his race when Defendant Notz refused to terminate Mr. Perez for wielding a box cutter toward Plaintiff and instead terminated Plaintiff's employment.

46. Plaintiff was damaged by the loss of all available compensatory and punitive damages under the statute, including reasonable attorneys' fees and costs.

47. Defendants' conduct was knowingly wrongful, malicious, wanton and in reckless disregard of Plaintiff's rights. Plaintiff seeks all damages, compensatory and punitive, permitted by law.

Respectfully submitted,

VALDEZ AND WHITE LAW FIRM, LLC

By: /s/ Timothy L. White

Timothy L. White

124 Wellesley Drive SE

Albuquerque, NM 87125-5646

Telephone: (505) 345-0289

Facsimile (505) 345-2573

Attorneys for Plaintiff

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2ND JUDICIAL DISTRICT COURT
Bernalillo County
9/10/2021 4:42 PM
CLERK OF THE COURT
Patricia Serna

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

CORNELIUS MACKEY,

Plaintiff,

v.

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DILLARD'S, INC., JON NOTZ, Individually
and as Agent of Dillard's Inc., and JULIE DOE,
Individually and as Agent of Dillard's Inc.,

Defendants.

COURT ANNEXED ARBITRATION CERTIFICATE

Plaintiff, by and through his attorneys, Valdez and White Law Firm, LLC
(Timothy L. White), pursuant to Second Judicial District Local Rule 2-603, certifies that
this party seeks relief **in excess** of twenty-five thousand dollars (\$25,000.00) exclusive of
punitive damages, interest, costs and attorney's fees.

Respectfully submitted,

VALDEZ AND WHITE LAW FIRM, LLC

By: /s/ Timothy L. White
Timothy L. White
124 Wellesley Drive SE
Albuquerque, New Mexico 87106
Tel: (505) 345-0289
Facsimile : (505) 345-2573
tim@valdezwhite.com
Attorneys for Plaintiff

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Bernalillo County
10/12/2021 12:20 PM
CLERK OF THE COURT
Andrea Gutierrez

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

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and as Agent of Dillard's Inc., and JULIE DOE,
Individually and as Agent of Dillard's Inc.,

Defendants.

RETURN OF SERVICE

Plaintiff Cornelius Mackey, by and through his attorney of record, VALDEZ & WHITE LAW FIRM, LLC (Timothy L. White), pursuant to Rule 1-004(1) NMRA, hereby certifies that the Dillard's Inc. was served with the following documents:

1. Summons on Complaint for Damages
2. Endorsed copy of Complaint for Damages

Dillard's Inc. was served via Certified Priority Mail article 7020 3160 0001 5287 4394. The USPS electronic return receipt shows an illegible signature at 10:57 a.m. on October 6, 2021 at 206 S Coronado Ave, Española, New Mexico 87532 (Exhibit A, pg. 3). Dillard's Inc. has been sufficiently served in accordance with Rule 1-004(G)(3) NMRA.

Respectfully submitted,

VALDEZ & WHITE LAW FIRM, LLC

By: /s/Timothy L. White
Timothy L. White
124 Wellesley Drive SE
Albuquerque, NM 87106

Tel: (505) 345-0289
Fax: (505) 345-2573
tim@valdezwhite.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this pleading was electronically filed in Odyssey on this 8th day of October 2021, thereby serving all counsel of record.

/s/Timothy L. White
Timothy L. White

SUMMONS ON COMPLAINT FOR DAMAGES

District Court: Second Judicial Court Address: 400 Lomas Blvd NW Albuquerque, New Mexico 87102 Court Telephone No: (505) 841-8400	Case Number: D-202-CV-2021-05333 Judge: Honorable Erin O'Connell
Cornelius Mackey, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">v.</div> DILLARD'S, INC., JON NOTZ, Individually and as Agent of Dillard's Inc., and JULIE DOE, Individually and as Agent of Dillard's Inc., <div style="text-align: center;">Defendants. </div>	Name: Dillard's, Inc. c/o Registered Agent CT Corporation System Address: 206 S Coronado Ave Española, New Mexico 87532-2792

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at _____, New Mexico, on this _____ day of 10/4/2021 2021.

 Katina Watson, CLERK OF COURT



SECOND JUDICIAL DISTRICT COURT
 CLERK OF THE COURT

By: 
 Deputy Clerk
 Leanne LeCompte

Attorney for Plaintiff
 Name: Timothy L. White
 Address: 124 Wellesley Drive SE
 Albuquerque, NM 87106
 Tel: (505)345-0289
 Fax: (505) 345-2573
 Email Address: tim@valdezwhite.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
 RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN

[illegible]

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Rio Arriba county on the 6th day of October, 2021, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☒ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA.

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[] to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, *(used when the defendant is not presently at place of abode)* and by mailing by first class mail to the defendant at _____ *(insert defendant's last known mailing address)* a copy of the summons and complaint.

[] to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at _____ (insert defendant's last known mailing address).

[] to _____, an agent authorized to receive service of process for defendant

[] to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of
defendant _____ (used when defendant is a minor or an incompetent person).

[] to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

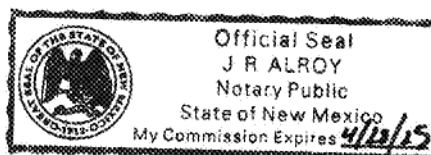
Signature of person making service

Attorneys for Plaintiff

Title (if any)

Subscribed and sworn to before me this 7th day of October, 2021

Judge, notary or other officer
authorized to administer oaths



Official title



UNIVERSITY
115 CORNELL DR SE
ALBUQUERQUE, NM 87106-9998
(800)275-8777

10/04/2021 10:32 AM

Product	Qty	Unit Price	Price
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Priority Mail® 1-Day 1			\$8.70
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Flat Rate Env			
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Albuquerque, NM 87114

Flat Rate

Expected Delivery Date

Tue 10/05/2021

Certified Mail®

Tracking #:

70203160000152874493

e-Return Receipt

			\$1.85
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Total			\$14.30
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Priority Mail® 2-Day 1			\$8.70
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Flat Rate Env			
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Espanola, NM 87532

Flat Rate

Expected Delivery Date

Thu 10/07/2021

Certified Mail®

Tracking #:

70203160000152874394

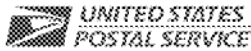
e-Return Receipt

			\$1.85
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Total			\$14.30
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Grand Total:			\$28.60
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Debit Card Remitted			\$28.60
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October 6, 2021

Dear Jan Alroy:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 3160 0001 5287 4394.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	October 6, 2021, 10:57 am
Location:	ESPANOLA, NM 87532
Postal Product:	Priority Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic
	Up to \$50 insurance included

Shipment Details

Weight:	3.0oz
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Recipient Signature

Signature of Recipient:	<i>Jan Alroy</i>
Address of Recipient:	<i>246 S. Fourth</i>

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
 United States Postal Service®
 475 L'Enfant Plaza SW
 Washington, D.C. 20260-0004

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
10/12/2021 12:20 PM
CLERK OF THE COURT
Andrea Gutierrez

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

CORNELIUS MACKEY,

Plaintiff,

v.

No. D-202-CV-2021-05333

DILLARD'S, INC., JON NOTZ, Individually
and as Agent of Dillard's Inc., and JULIE DOE,
Individually and as Agent of Dillard's Inc.,

Defendants.

RETURN OF SERVICE

Plaintiff Cornelius Mackey, by and through his attorney of record, VALDEZ & WHITE LAW FIRM, LLC (Timothy L. White), pursuant to Rule 1-004(1) NMRA, hereby certifies that Jon Notz as Agent of Dillard's Inc. was served with the following documents:

1. Summons on Complaint for Damages
2. Endorsed copy of Complaint for Damages

Dillard's Inc. was served via Certified Priority Mail article 7020 3160 0001 5287 4394. The USPS electronic return receipt shows an illegible signature at 10:57 a.m. on October 6, 2021 at 206 S Coronado Ave, Española, New Mexico 87532 (Exhibit A, pg. 3). Dillard's Inc. has been sufficiently served in accordance with Rule 1-004(G)(3) NMRA.

Respectfully submitted,

VALDEZ & WHITE LAW FIRM, LLC

By: /s/Timothy L. White
Timothy L. White
124 Wellesley Drive SE
Albuquerque, NM 87106

Tel: (505) 345-0289
Fax: (505) 345-2573
tim@valdezwhite.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this pleading was electronically filed in Odyssey on this 8th day of October 2021, thereby serving all counsel of record.

/s/Timothy L. White
Timothy L. White

SUMMONS ON COMPLAINT FOR DAMAGES

District Court: Second Judicial Court Address: 400 Lomas Blvd NW Albuquerque, New Mexico 87102 Court Telephone No: (505) 841-8400	Case Number: D-202-CV-2021-05333 Judge: Honorable Erin O'Connell
Cornelius Mackey, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">v.</div> DILLARD'S, INC., JON NOTZ, Individually and as Agent of Dillard's Inc., and JULIE DOE Individually and as Agent of Dillard's Inc., <div style="text-align: center;">Defendants.</div>	Name: Jon Notz as Agent of Dillard's Inc. c/o Registered Agent CT Corporation System Address: 206 S Coronado Ave Española, New Mexico 87532-2792

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at _____, New Mexico, on this _____ day of 10/4/2021 2021.

Katina Watson, CLERK OF COURT



SECOND JUDICIAL DISTRICT COURT
CLERK OF THE COURT

By: 

Deputy Clerk
Leanne LeCompte

Attorney for Plaintiff
 Name: Timothy L. White
 Address: 124 Wellesley Drive SE
 Albuquerque, NM 87106
 Tel: (505)345-0289
 Fax: (505) 345-2573
 Email Address: tim@valdezwhite.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Rio Arriba county on the 6th day of October, 2021, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☒ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA.

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[] to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, *(used when the defendant is not presently at place of abode)* and by mailing by first class mail to the defendant at _____ *(insert defendant's last known mailing address)* a copy of the summons and complaint.

[] to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at _____ (insert defendant's last known mailing address).

[] to _____, an agent authorized to receive service of process for defendant

[] to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (used when defendant is a minor or an incompetent person).

[] to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

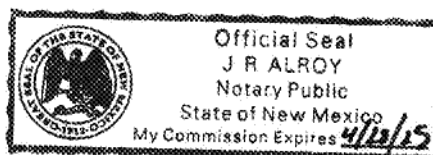
Signature of person making service

Attorneys for Plaintiff

Title (if any)

Subscribed and sworn to before me this 7th day of October, 2021

Judge, notary or other officer
authorized to administer oaths



Official title



UNIVERSITY
115 CORNELL DR SE
ALBUQUERQUE, NM 87106-9998
(800)275-8777

10/04/2021 10:32 AM

Product	Qty	Unit Price	Price
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Priority Mail® 1-Day 1			\$8.70
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Flat Rate Env

Albuquerque, NM 87114

Flat Rate

Expected Delivery Date

Tue 10/05/2021

Certified Mail®

Tracking #:

70203160000152874493

e-Return Receipt

Total

\$1.85

\$14.30

Priority Mail® 2-Day 1

Flat Rate Env

Espanola, NM 87532

Flat Rate

Expected Delivery Date

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Certified Mail®

Tracking #:

70203160000152874394

e-Return Receipt

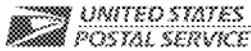
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Extra Services:	Certified Mail™
	Return Receipt Electronic
	Up to \$50 insurance included

Shipment Details

Weight:	3.0oz
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Recipient Signature

Signature of Recipient:	<i>Jan Alroy</i>
Address of Recipient:	<i>246 S. Fourth</i>

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
 United States Postal Service®
 475 L'Enfant Plaza SW
 Washington, D.C. 20260-0004

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Defendants.

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Respectfully submitted,

VALDEZ & WHITE LAW FIRM, LLC

By: /s/Timothy L. White
Timothy L. White
124 Wellesley Drive SE
Albuquerque, NM 87106

Tel: (505) 345-0289
Fax: (505) 345-2573
tim@valdezwhite.com

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/s/Timothy L. White
Timothy L. White

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District Court: Second Judicial Court Address: 400 Lomas Blvd NW Albuquerque, New Mexico 87102 Court Telephone No: (505) 841-8400	Case Number: D-202-CV-2021-05333 Judge: Honorable Erin O'Connell
Cornelius Mackey, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">v.</div> DILLARD'S, INC., JON NOTZ, Individually and as Agent of Dillard's Inc., and JULIE DOE Individually and as Agent of Dillard's Inc. , <div style="text-align: center;">Defendants.</div>	Name: Julie Doe as Agent of Dillard's Inc. c/o Registered Agent CT Corporation System Address: 206 S Coronado Ave Española, New Mexico 87532-2792

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6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at _____, New Mexico, on this _____ day of 10/4/2021 2021.

Katina Watson, CLERK OF COURT



SECOND JUDICIAL DISTRICT COURT
CLERK OF THE COURT

By: 
Deputy Clerk

Leanne LeCompte

Attorney for Plaintiff

Name: Timothy L. White

Address: 124 Wellesley Drive SE

Albuquerque, NM 87106

Tel: (505)345-0289

Fax: (505) 345-2573

Email Address: tim@valdezwhite.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.



UNIVERSITY
115 CORNELL DR SE
ALBUQUERQUE, NM 87106-9998
(800)275-8777

10/04/2021 10:32 AM

Product	Qty	Unit Price	Price
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Priority Mail® 1-Day 1			\$8.70
------------------------	--	--	--------

Flat Rate Env			
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Albuquerque, NM 87114

Flat Rate

Expected Delivery Date

Tue 10/05/2021

Certified Mail®

Tracking #:

70203160000152874493

e-Return Receipt

			\$1.85
--	--	--	--------

Total			\$14.30
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Priority Mail® 2-Day 1			\$8.70
------------------------	--	--	--------

Flat Rate Env			
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Espanola, NM 87532

Flat Rate

Expected Delivery Date

Thu 10/07/2021

Certified Mail®

Tracking #:

70203160000152874394

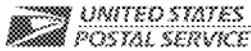
e-Return Receipt

			\$1.85
--	--	--	--------

Total			\$14.30
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Grand Total:			\$28.60
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Debit Card Remitted			\$28.60
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October 6, 2021

Dear Jan Alroy:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 3160 0001 5287 4394.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	October 6, 2021, 10:57 am
Location:	ESPANOLA, NM 87532
Postal Product:	Priority Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic
	Up to \$50 insurance included

Shipment Details

Weight:	3.0oz
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Recipient Signature

Signature of Recipient:

Jan Alroy

Address of Recipient:

246 S. Fourth

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
 United States Postal Service®
 475 L'Enfant Plaza SW
 Washington, D.C. 20260-0004

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
10/12/2021 12:20 PM
CLERK OF THE COURT
Andrea Gutierrez

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

CORNELIUS MACKEY,

Plaintiff,

v.

No. D-202-CV-2021-05333

DILLARD'S, INC., JON NOTZ, Individually
and as Agent of Dillard's Inc., and JULIE DOE,
Individually and as Agent of Dillard's Inc.,

Defendants.

RETURN OF SERVICE

Plaintiff Cornelius Mackey, by and through his attorney of record, VALDEZ & WHITE LAW FIRM, LLC (Timothy L. White), pursuant to Rule 1-004(l) NMRA, hereby certifies that Jon Notz, Individually, was served with the following documents:

1. Summons on Complaint for Damages
2. Endorsed copy of Complaint for Damages

Dillard's Inc. was served via Certified Priority Mail article 7020 3160 0001 5287 4493. The USPS electronic return receipt shows the carrier number "C19" (due to COVID-19) at 1:08 p.m. on October 5, 2021 at 7719 Woodstar Ave NW, Albuquerque, New Mexico 87114 (Exhibit A, pg. 3). Jon Notz, Individually, has been sufficiently served in accordance with Rule 1-004(G)(3) NMRA.

Respectfully submitted,

VALDEZ & WHITE LAW FIRM, LLC

By: /s/Timothy L. White
Timothy L. White

124 Wellesley Drive SE
Albuquerque, NM 87106
Tel: (505) 345-0289
Fax: (505) 345-2573
tim@valdezwhite.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this pleading was electronically filed in Odyssey on this 8th day of October 2021, thereby serving all counsel of record.

/s/Timothy L. White
Timothy L. White

SUMMONS ON COMPLAINT FOR DAMAGES

District Court: Second Judicial Court Address: 400 Lomas Blvd NW Albuquerque, New Mexico 87102 Court Telephone No: (505) 841-8400	Case Number: D-202-CV-2021-05333 Judge: Honorable Erin O'Connell
Cornelius Mackey, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">v.</div> DILLARD'S, INC., JON NOTZ, Individually and as Agent of Dillard's Inc., and JULIE DOE, Individually and as Agent of Dillard's Inc., <div style="text-align: center;">Defendants.</div>	Name: Jon Notz Individually Address: 7719 Woodstar Ave NW Albuquerque, New Mexico 87114

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at _____, New Mexico, on this _____ day of 10/4/2021 2021.

Katina Watson, CLERK OF COURT



SECOND JUDICIAL DISTRICT COURT
CLERK OF THE COURT

By: 

Deputy Clerk
Leanne LeCompte

Attorney for Plaintiff
 Name: Timothy L. White
 Address: 124 Wellesley Drive SE
 Albuquerque, NM 87106
 Tel: (505)345-0289
 Fax: (505) 345-2573
 Email Address: tim@valdezwhite.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN

[illegible]

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Bernalillo county on the 5th day of October, 2021, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☒ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA.

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[] to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at _____ (insert defendant's last known mailing address) a copy of the summons and complaint.

[] to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at _____ (insert defendant's last known mailing address).

[] to _____, an agent authorized to receive service of process for defendant

[] to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (used when defendant is a minor or an incompetent person).

[] to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

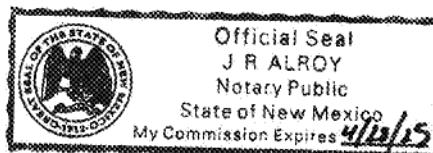
Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this 7th day of October, 2021

Judge, notary or other officer
authorized to administer oaths



Official title



UNIVERSITY
115 CORNELL DR SE
ALBUQUERQUE, NM 87106-9998
(800)275-8777

10/04/2021 10:32 AM

Product	Qty	Unit Price	Price
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Priority Mail® 1-Day 1			\$8.70
------------------------	--	--	--------

Flat Rate Env			
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Albuquerque, NM 87114

Flat Rate

Expected Delivery Date

Tue 10/05/2021

Certified Mail®

Tracking #:

70203160000152874493

e-Return Receipt

			\$1.85
--	--	--	--------

Total			\$14.30
-------	--	--	---------

Priority Mail® 2-Day 1			\$8.70
------------------------	--	--	--------

Flat Rate Env

Espanola, NM 87532

Flat Rate

Expected Delivery Date

Thu 10/07/2021

Certified Mail®

Tracking #:

70203160000152874394

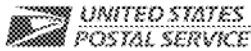
e-Return Receipt

			\$1.85
--	--	--	--------

Total			\$14.30
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Grand Total:			\$28.60
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Debit Card Remitted			\$28.60
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October 5, 2021

Dear Jan Alroy:

The following is in response to your request for proof of delivery on your item with the tracking number:
7020 3160 0001 5287 4493.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	October 5, 2021, 1:08 pm
Location:	ALBUQUERQUE, NM 87114
Postal Product:	Priority Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic
	Up to \$50 insurance included

Shipment Details

Weight:	3.0oz
----------------	-------

Recipient Signature

Signature of Recipient:

C19
C19

Address of Recipient:

7719 WOODSTAR AVE NW
 ALBUQUERQUE, NM 87114

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
 United States Postal Service®
 475 L'Enfant Plaza SW
 Washington, D.C. 20260-0004